

**FILED**  
IN CLERK'S OFFICE  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT  
OF GEORGIA

W. YVONNE EVANS,  
CLERK

DEC 05 2006 AM 10:43

*[Signature]*  
BY *[Signature]* CLERK

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	)	
	)	<b>CHAPTER 11</b>
<b>AEROSOL PACKAGING, LLC,</b>	)	
<b>A Georgia limited liability company,</b>	)	<b>CASE NO. 06-67096-MHM</b>
	)	
<b>Debtor.</b>	)	

**DEBTOR'S NOTICE OF INTENTION TO ASSUME OR REJECT  
NON-RESIDENTIAL REAL PROPERTY LEASE WITH MISTY SPRAY, LLC**

**COMES NOW**, Aerosol Packaging, LLC (the "Debtor"), and files this Notice of Intention to Assume or Reject Non-Residential Real Property Lease with Misty Spray, LLC. Pursuant to the Order Approving Debtor's Disclosure Statement and Notice of Assignment of Hearing on Confirmation of Revised Second Amended Chapter 11 Plan entered November 22, 2006, Debtor was directed to file a statement of its intention to assume or reject the non-residential real property lease of Misty Spray, LLC ("Misty Spray") at least seven (7) business days prior to the deadline for filing ballots for Debtor's Revised Second Amended Chapter 11 Plan (the "Plan"), and to serve a copy of the statement on Misty Spray. The deadline for filing ballots on the Plan is currently set for December 13, 2006; therefore the deadline for filing the required statement of intention to assume or reject the non-residential real property lease with Misty Spray (the "Lease") is December 4, 2006.

Section 365(d)(4)(A) of the Bankruptcy Code provides that an unexpired lease of non-residential real property under which the debtor is the lessee shall be deemed rejected if the debtor does not assume or reject the unexpired lease by the earlier of (i) the date that is 120 days after the date of the order for relief, or (ii) the date of the entry of an order confirming a plan. Pursuant to the Order Granting Debtor's Motion for an Order Extending the Time to Assume or

Reject Unexpired Lease of Non-Residential Real Property Pursuant to Section 365(d)(4) of the Bankruptcy Code entered October 13, 2006, the Court ordered that the outside deadline for the Debtor to elect to assume or reject the Lease was extended to January 17, 2007 (the "Rejection Deadline"). If the Plan is not confirmed on or before the Rejection Deadline, the Lease will be deemed rejected as of such date.

Debtor hereby states its intention to REJECT the Lease effective as of the date of an entry of an order of the Court confirming the Plan.

Nothing in this notice shall be deemed an election by Debtor to reject the Lease prior to the earlier of (1) the entry of an order confirming the Plan or (2) the Rejection Deadline, or to otherwise request or cause an extension of the Rejection Deadline as previously set by order of the Court or as provided under the Bankruptcy Code, or preclude Debtor from changing its stated intention prior to the entry of an order confirming the Plan or the Rejection Deadline regardless of the intention set forth in this notice.

Respectfully submitted, this 4th day of December 2006.



Brian L. Schleicher  
Georgia Bar No. 629321

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(770) 667-1290

Counsel for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
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<b>IN RE:</b>	)	
	)	<b>CHAPTER 11</b>
<b>AEROSOL PACKAGING, LLC,</b>	)	
<b>A Georgia limited liability company,</b>	)	<b>CASE NO. 06-67096- MHM</b>
	)	
<b>Debtor.</b>	)	
	)	

## CERTIFICATE OF SERVICE

This is to certify that on the 4<sup>th</sup> day of November 2006, I caused to be served a true and correct copy of DEBTOR'S NOTICE OF INTENTION TO ASSUME OR REJECT NON-RESIDENTIAL REAL PROPERTY LEASE WITH MISTY SPRAY, LLC upon counsel to Misty Spray, LLC by facsimile transmission, and the United States Trustee, all secured creditors, the twenty largest unsecured creditors and all parties requesting notice by depositing same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

United States Trustee  
362 Russell Federal Bldg.  
75 Spring St. SW  
Atlanta, GA 30303

Geneva Associates Merchant Banking  
Partners I, LLC  
300 North Greene Street  
Suite 2100  
Greensboro, NC 27401

Seyfarth Shaw, LLP  
Paul Baisier, Esq.  
One Peachtree Pointe  
1545 Peachtree Street, N.E.  
Suite 700  
Atlanta, GA 30309-2401

AICCO, Inc.  
1001 Winstead Drive  
Suite 500  
Cary, NC 27513

Blue Ridge Investors II  
Limited Partnership  
300 North Greene Street  
Suite 2100  
Greensboro, NC 27401

Misty Spray, LLC  
218 Business Center Drive  
Stockbridge, GA 30281

Badger Capital I, LLC  
c/o Kevin Jessup  
5607 Tradd Drive  
Greensboro, NC 27455

Aeropres Corporation  
1324 N. Hearn Ave.  
Suite 200  
Shreveport, LA 71107

Alchem Chemical Company  
5360 Tulane Drive  
Atlanta, GA 30336

Ashland Chemical Company  
4550 NF Expressway  
Doraville, GA 30340-3501

Brenntag Mid-South, Inc.  
1405 Hwy 136 W.  
Henderson, KY 42419

BWAY Corporation  
8607 Roberts Drive  
Suite 250  
Atlanta, GA 30350

CCL Container  
One Llodio Drive  
Hermitage, PA 16148-9015

CL&D Graphics  
1101 W. 2<sup>nd</sup> St.  
Oconomowoc, WI 53066

Cohen Pollock Merlin & Small  
Mark S. Marani  
3350 Riverwood Pkwy, Ste 1600  
Atlanta, GA 30339

Crown Cork & Seal USA, Inc.  
1440 Paysphere Circle  
Chicago, IL 60674

Design Packaging, Inc.  
6479 Chupp Road  
Lithonia, GA 30058

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Atlanta, GA 30309-4530

Losorea, LLC  
313 Bell Park Drive  
Woodstock, Georgia 30188

Navigant Consulting, Inc.  
1175 Peachtree St., NE  
Suite 1900  
Atlanta, GA 30361

Newman Green, Inc.  
Attn: Edward H. Green, Jr., President  
57 Interstate Road  
Addison, IL 60101-4568

UNIVAR USA, Inc.  
2145 Skyland Ct.  
Norcross, GA 30071

Overnite Transport Company  
a/k/a UPS Freight  
100 Semmes Ave  
Richmond, VA 23218

Owens Corning  
4775 Frederick Dr SW  
Atlanta, GA 30336

Precision Valve Corporation  
700 Nepperhan Ave.  
Yonkers, NY 10703

Seaquist Perfect Dispensing  
1160 Silver Lake Rd.  
Cary, IL 60013

Summit Packaging Systems Inc.  
Attn: Michael E. Conway, CFO, CPA  
400 Gay St.  
Manchester, NH 03103-7460

Temps Excel, Inc.  
Attn: Nancy Nollner, President  
234 Nelson St.  
Cartersville, GA 30120

George M. Geeslin  
8 Piedmont Ctr, Ste 550  
3525 Piedmont Rd, N.E.  
Atlanta, GA 30305-1565

Ball Aerosol & Specialty Container, Inc.  
F/k/a US Can Company  
Attn: Rob Garside  
Director Credit and Collection  
10 Longs Peak Drive  
Broomfield, CO 80021-2510

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Dallas, GA 30132

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Atlanta, GA 30303

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c/o Becket and Lee LLP  
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PO Box 3001  
Malvern, PA 19355-0701

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127 Peachtree Street, N.E.  
Atlanta, GA 30303

M. Denise Dotson  
Jones & Walden, LLC  
21 8<sup>th</sup> Street  
Atlanta, GA 30309

This 4<sup>th</sup> day of December 2006.



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Georgia Bar No.: 629321

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